

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

BRICKSTREET MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-06172

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

ORDER

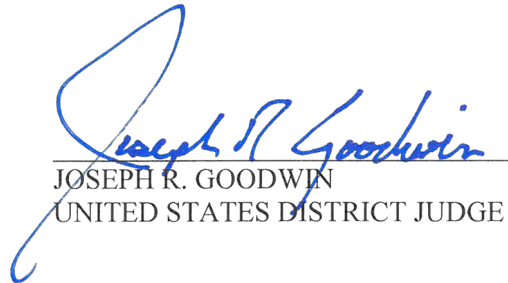
On June 8, 2018, the United States Court of Appeals for the Fourth Circuit issued an unpublished opinion in this matter [ECF No. 59], vacating this court's grant of summary judgment for Brickstreet Mutual Insurance Company ("Brickstreet") and against Zurich American Insurance Company ("Zurich") and remanding the matter to this court. The Judgment by the Fourth Circuit [ECF No. 60] was issued on June 8, 2018, and the Mandate by the Fourth Circuit [ECF No. 62] was issued on July 2, 2018. On September 12, 2018, the court directed the parties to file a status report [ECF No. 63].

Consistent with the Fourth Circuit's opinion, the court **VACATES** the September 16, 2016 Order [ECF No. 45] granting Brickstreet's Motion for Summary Judgment [ECF No. 24]. The court **GRANTS** Zurich's Motion for Summary Judgment

[ECF No. 26], **DENIES** Brickstreet's Motion for Summary Judgment [ECF No. 24], and **ORDERS** the discharge and release of the supersedeas bond [ECF No. 56] that was issued to enable Zurich to pursue an appeal.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 9, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE